



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

18 MAY 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7014 1200 0000 6125 1080

Mr. Roger Holthaus
903 184th Road
Seneca, Kansas 66538

RE: Request for Information Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318

Dear Mr. Holthaus:

On June 23, 2015, a representative of the U.S. Environmental Protection Agency inspected your facility. The inspection was conducted under the authority of the Section 308 of the Clean Water Act. A copy of the inspection report was sent you to on or about April 25, 2016. The purpose of this letter is to obtain additional information so that the EPA can determine the facility's compliance with the CWA.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C § 1251, *et seq.* Under the authority of Section 308 of the CWA, the EPA requests that you provide copies of all animal inventory records and/or other documentation that establish the number of cattle maintained at your facility from July 1, 2015, through May 1, 2016. Provide a monthly average and a monthly maximum number of cattle at the facility for this period. Also, describe any actions you have taken to prevent precipitation-related runoff from entering the tributaries of Wildcat Creek. Please certify your response by completing the enclosed Certification of Response to Request for Information.

The required information must be submitted no later than thirty (30) calendar days after receipt of this letter. Please send your response to:

Stephen Pollard
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
Water Enforcement Branch
11201 Renner Boulevard
Lenexa, KS 66219
pollard.stephen@epa.gov

Please feel free to submit your response by electronic mail at the provided address if that is more convenient for you.

Although the information requested must be submitted to the EPA, you are entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. § 2, Subpart B. If the EPA



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determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.

Although the EPA seeks your cooperation, compliance with this Information Request is required by law. Failure to provide all of the information requested or the making of any false material statements or representation in response to this letter, constitute violations of Section 308 of the CWA, and may result in an enforcement action and the imposition of civil and/or criminal penalties pursuant to Section 309 of the CWA, 33U.S.C. 1319.

If there are any questions regarding this request or the EPA's evaluation of your operation, please contact Mr. Stephen Pollard, of my staff, at (913) 551-7582.

Sincerely,

A handwritten signature in black ink, reading "Karen A. Flourney". The signature is fluid and cursive, with a long horizontal stroke at the end.

Karen A. Flourney

Director

Water, Wetlands and Pesticide Division

Enclosure

cc: Tara Mahin, Kansas Department of Health and Environment

CERTIFICATION OF RESPONSE TO REQUEST FOR INFORMATION

State of _____)
_____)
_____)
County of _____)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information and all documents submitted herewith, and that, to the best of my knowledge, the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

Signature

Sworn to before me this _____
day of _____, 2016.

Notary Public

